

**LAND DIVISION ORDINANCE
TOWNSHIP OF TYRONE, MICHIGAN
ORDINANCE NO. 25**

17.200

An ordinance to regulate the division of parcels of land pursuant to State of Michigan Public Acts: PA 246 of 1945, as amended; PA 168 of 1959, as amended; PA 288 of 1967, as amended; and PA 196 of 2017, as amended; to provide a procedure therefore; to repeal any ordinance or provisions thereof in conflict herewith, and to prescribe a penalty for the violations of the provisions of this ordinance.

THE TOWNSHIP OF TYRONE ORDAINS:

17.210

**ARTICLE ONE
TITLE**

This ordinance shall be known and cited as the Tyrone Township Land Division Ordinance.

17.220

**ARTICLE TWO
PURPOSE**

In order to provide for and maintain an orderly development of the Township and to insure the health, safety, and welfare of the residents and property owners, the Township of Tyrone hereby establishes the rules to be followed when dividing property or realigning property lines within the Township.

17.230

**ARTICLE THREE
APPLICABILITY**

This ordinance applies to all division of lands or property located in the Township, including boundary realignments. For parcels that are to be platted, the non-conflicting portions of this ordinance and all the requirements of the Tyrone Township Subdivision Ordinance, as amended, shall apply. Unit lots in condominiums are subject to Township Condominium regulations within the Zoning Ordinance.

Parcels that are developed along a private road or shared driveway shall also apply the appropriate provisions of the Tyrone Township Zoning Ordinance.

17.240

**ARTICLE FOUR
DEFINITIONS**

The following definitions shall apply in the interpretation and enforcement of this ordinance, unless otherwise specifically stated. The word “shall” is always mandatory and not merely directory.

- A. ACCESS EASEMENT.** This definition shall be the same as the current Township of Tyrone Zoning Ordinance.
- B. APPLICANT.** A natural person, firm, association, partnership, corporation, or other legal entity, or combination of any of them, which holds the fee title and equitable interest in the land whether or not of record, who seek approval to divide the land pursuant to this ordinance.
- C. BOUNDARY REALIGNMENT.** A formal action to relocate the property line between two or more parcels that does not result in the creation of an additional parcel.
- D. COMPLETE APPLICATION.** See the requirements listed in Article Five - Procedure for Complete Boundary Adjustment Applications and Complete Land Division Applications.
- E. DIVIDE or DIVISION.** The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or of a building development that results in 1 or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Section 108 and 109 of the State Land Division Act. Division does not include a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of applicable local ordinance.
- F. LAND.** All land areas occupied by real property.
- G. LAND DIVISION ACT.** State of Michigan Public Act 288 of 1967 as amended [MCL 560.101 to 560.293]

- H. **LOT.** This definition shall be the same as the current Township of Tyrone Zoning Ordinance.
- I. **LOT AREA.** This definition shall be the same as the current Township of Tyrone Zoning Ordinance.
- J. **LOT DEPTH.** This definition shall be the same as the current Township of Tyrone Zoning Ordinance.
- K. **LOT WIDTH.** This definition shall be the same as the current Township of Tyrone Zoning Ordinance.
- L. **PARCELS.** A continuous area or acreage of land which can be described as provided for in this ordinance and is not included in a subdivision as regulated by the State Land Division Act nor included in a condominium as regulated by the State Condominium Act.
- M. **PLAT.** A map or chart approved for the division of land pursuant to the Land Division Act of 1967, as amended.
- N. **PRIVATE ROAD.** This definition shall be the same as the current Township of Tyrone Zoning Ordinance.
- O. **PUBLIC ROAD.** An open way for passage or travel under public ownership and maintained at a cost to the public. Public road and public street are synonymous terms.
- P. **SHARED PRIVATE DRIVEWAY.** This definition shall be the same as the current Township of Tyrone Zoning Ordinance.
- Q. **TOWNSHIP.** The Township of Tyrone, Livingston County, Michigan.
- R. **TRACT.** Two or more parcels that share a common property line and are under the same ownership.

17.250 **ARTICLE FIVE**
PROCEDURE

17.251 **Sec 1.** **FILING**

- A. The applicant shall be the owner of the property or an authorized representative and shall state the type of property ownership (fee simple, mortgage, land contract).

- B. The applicant shall submit the number of complete and accurate applications and attachments as required by the Planning Commission and Township Board to the Township Planning Commission Secretary at least twenty-one (21) days prior to the next regularly scheduled Planning Commission meeting together with the appropriate fees and charges as established by the Township Board.

17.252 Sec. 2. BOUNDARY REALIGNMENT APPLICATION REQUIREMENTS

The Planning Commission, at its sole discretion, may provide a preliminary review of a potential boundary realignment based upon a scaled site drawing of the proposed realignment. The information required to be submitted for a preliminary review is listed in Section 17.254, Section 4.A below. For a final review of a boundary realignment, a complete application shall be submitted that is substantially accurate and contains all of the information required for preliminary review as well as items 1 through 3 listed in Section 4.B below for final review. Some items required above for preliminary or final review may not be applicable, as determined by the Planning Commission.

17.253 Sec. 3. BOUNDARY REALIGNMENT REQUIREMENTS

In no case shall any provision of this ordinance, other applicable Tyrone Township ordinances nor the laws of the State of Michigan, be violated. Where more than one regulation applies to the same aspect, the most restrictive shall be enforced.

- A. The plan for the boundary realignment shall follow the requirements of Act 288 of 1967, as amended (MCLA 560.101, et seq.) and the Tyrone Township Zoning Ordinance, as amended. The Planning Commission and Township Board shall review the plan for compliance with:
 - 1. The Schedule of Regulations for existing and newly created parcels.
 - 2. The minimum width and the maximum depth to width ratio of 4:1. (For example, 200 ft. wide and not more than 800 ft. long.). Notwithstanding, a depth to width ratio greater than 4:1 may be permitted if the resulting parcel(s) exhibits exceptional topographic or physical conditions such as wetlands, woodlands, and/or steep slopes, or is consistent with the land development pattern of the surrounding area, or other extraordinary circumstances exist, in the determination of the Township Board. Further, the maximum 4:1 depth to width ratio shall not apply to parcels larger than 10 acres,

nor shall it apply to the remainder of the parent parcel or parent tract retained by the proprietor. In the event the Township Zoning Ordinance specifies a depth to width ratio for a particular area which differs from that set forth within this subsection, the ratio contained in the Zoning Ordinance shall control.

- B. If the request is made by an agent for an owner, the agreement or authorization for acting on behalf of the owner shall be stated on the application.
- C. Boundary Realignments shall follow the approval procedures as described below for land divisions in Article Six.

17.254 Sec 4. LAND DIVISION APPLICATION REQUIREMENTS

The Planning Commission, at its sole discretion, may provide a preliminary review of a potential land division based upon a scaled site drawing. However, a boundary survey is required for a complete application and final review. A complete application shall be substantially accurate and contain all of the items required below, unless specifically exempted by the Planning Commission.

- A. Preliminary Review Requirements. Prior to submitting a complete application and beginning final review, an applicant may elect to submit an application for concept review by the Planning Commission. To undergo preliminary review, the following items must be submitted:
 - 1. **Proof of Ownership.** Proof of ownership of the subject property, proof that tax payments are current, and the original survey and legal description, if available.
 - 2. **Site Drawing.** Scaled site drawing of the proposed land division showing existing and proposed boundary alignments.
 - 3. **Date, North Arrow and Scale.** The drawing shall include the name of the preparer, the date of the drawing, and a north arrow. The scale shall be not less than one inch equals twenty feet (1" = 20') for property under three (3) acres, and at least one inch equals one hundred feet (1" = 100') for sites three (3) acres or more. For sites greater than three (3) acres, site plan details at a scale of not less than one inch equals twenty feet (1" = 20') may be required.
 - 4. **Legal Description.** Each proposed parcel and the remainder parcel shall have a separate legal description. This shall also include

appropriate descriptions for open space locations and descriptions of private road, shared driveway and public utility easements located within parcels. All private road or shared driveway easements should include a public utility easement reference.

5. **Property Lines.** All existing and proposed property lines are to be shown and properly dimensioned including building setback lines that define potential building envelopes.
6. **Existing Structures and Easements.** The location of all existing structures, utility, or access easements on the property and within fifty (50) feet of the property boundary lines on adjacent property shall be shown.
7. **Wetlands and Natural Features.** If wetland conditions are known or suspected to exist within dedicated open space or building envelopes, a determination shall be made of the location and limits of such wetlands. Other significant natural features worthy of preservation should be referenced on the site drawing.
8. **Open Space.** All dedicated open space areas shall be clearly identified and dimensioned on the site drawings. A calculation chart showing the amount and location of the open space shall be provided as part of the site drawing.
9. **Proposed Access.** The location and dimensions of all existing and proposed roads and shared drives shall be shown.
10. **Data on Abutting Roads, Etc.** The pavement width and right-of-way width of all existing or proposed abutting private or public roads or shared driveways shall be located on the site drawing.
11. **Easements.** The location of utility and/or shared driveway or private road easements should be dimensioned and labeled. Detailed drawings of access easements may be required for a complete application at the discretion of the Planning Commission.
12. **Drainage.** The location and size of all existing and proposed surface water drainage features including public and private easements.
13. **Contour Intervals.** Topographic contours shall be shown on the most recent aerial photo at not more than five (5) foot intervals, referenced to U.S.G.S datum including the U.S.G.S benchmark.

14. Documents. Copies of any required County or State agency reviews shall be provided. If applicable, deed restrictions or maintenance agreements for shared driveways or roads shall be provided.

B. Complete Application Requirements. To be considered a complete application and to begin the formal review process, the applicant must submit all of the items listed above plus the following:

1. Survey. A boundary survey with legal description(s) for all parcel(s), (including the existing parcel remainder), easement(s) and open space(s).

2. Licensed Professional Seal Required. Surveys shall contain the physical or electronic seal and signature, in accordance with Michigan P.A. 178 of 2013, as amended, of a Professional Engineer or Surveyor licensed by the State of Michigan and in good standing.

3. Other Approvals. All other County, State or Agency approvals required for the proposed land division shall be obtained and evidence of such approval submitted with the application for formal review.

4. Proof of Tax Payment. Proof that all taxes have been paid in full.

5. Recordable Agreements. All required documents and agreements shall be prepared and submitted in final recordable form.

17.255 Sec. 5. LAND DIVISION APPROVAL REQUIREMENTS

In no case shall any provision of this ordinance, other applicable Tyrone Township ordinances nor the laws of the State of Michigan be violated. Where more than one regulation applies to the same aspect, the most restrictive shall be enforced.

A. Plan for Dividing Land. The Plan for dividing land shall follow the requirements of Act 288 of 1967, as amended (MCLA 560.101 et seq.) and the Township Zoning Ordinance, as amended. The Planning Commission and Township Board shall review the plan for compliance with:

- 1.** Authorization to view property.
- 2.** Proof of tax status.
- 3.** Adequate and accurate legal description.

4. Schedule of Regulations on existing and newly created parcels.
 5. Scaled parcel map requirements for dimensions (including lot width) and gross and net parcel area.
 6. Minimum width and the maximum depth to width ratio of 4:1. (For example, 200 ft. wide and not more than 800 ft. long.). Notwithstanding, a depth to width ratio greater than 4:1 may be permitted if the resulting parcel(s) exhibits exceptional topographic or physical conditions such as wetlands, woodlands, and/or steep slopes, or is consistent with the land development pattern of the surrounding area, or other extraordinary circumstances exist, in the determination of the Township Board. Further, the maximum 4:1 depth to width ratio shall not apply to parcels larger than 10 acres, nor shall it apply to the remainder of the parent parcel or parent tract retained by the proprietor. In the event the Township Zoning Ordinance specifies a depth to width ratio for a particular area which differs from that set forth within this subsection, the ratio contained in the Zoning Ordinance shall control.
 7. Indication of significant natural features or topography.
 8. Proof of access.
 9. Public, private, and shared driveway access requirements.
 10. Open space requirements.
- B.** Subject Regulations. The plan for dividing land shall be subject to the regulations stated in the Land Division Act (MCLA 560.101, et seq.)
- C.** Roads or Driveways. If the land split includes the establishment of a public road, private road, shared driveway, or new single use driveway, approval by the Township is contingent on the approval of the Livingston County Road Commission (LCRC) for access to a public roadway. Approval of the access location will be required as part of a complete application. As this may prolong the review process, it is recommended that applications requiring this approval waive the 45-day approval deadline as required in Article Six, Section 1 of this Ordinance.
- D.** Concurrent Review. For land divisions requiring approval of a private road or shared driveway, the application shall be reviewed concurrently, provided the applicant has waived the 45-day review deadline. If not, the private road/shared driveway approval must be obtained first.

- E. Agent for the Owner. If the request is made by an agent for the owner, the agreement or authorization for acting on behalf of the owner shall be stated on the application.
- F. Register of Deeds. Upon approval of the division by the Township Board, the signed and sealed survey shall be stamped by the Township Clerk as approved by Tyrone Township and recorded with the legal descriptions and recordable documents at the Livingston County Register of Deeds office in accordance with the procedures provided in Article Six.

17.256 Sec. 6. FUTURE DIVISION RIGHTS

- A. The right to make future land divisions exempt from platting requirements may be transferred from a parent parcel or tract to a parcel created from the parent parcel or tract.
- B. A proprietor transferring the right to make a division shall within 45 days give written notice of the transfer to the Township Assessor on a form prescribed by the State Tax Commission under Section 27.c of the General Property Tax Act (1893 PA 206).
- C. All plans must indicate on the deed whether the right to make further land division is proposed to be conveyed. The statement shall be in substantially the following form: "The grantor grants to the grantee the right to make [insert number] division(s) under Section 108 of the land division Act, Act Number 288 of the Public Acts of 1967, as amended." If no statement is provided, the right to make future remaining divisions stays with the parent parcel.

17.257 Sec. 7. ACCESS

All parcels created through the procedures of this Ordinance shall abut a public road, approved private road, approved shared driveway, or approved access easement for the required distance according to the Township Zoning Ordinance Schedule of Regulations.

17.258 Sec. 8. FINANCIAL GUARANTEE REQUIREMENT

If the application requires modification to the property to meet State, County, or Township requirements such as, but not limited to, drainage easements or driveway access, a financial guarantee may be required by the Township to ensure conformity.

**17.260 ARTICLE SIX
 APPROVAL**

17.261 Sec. 1. TOWNSHIP REVIEW

- A. Upon receipt of a complete application, as described in Section 17.254, Section 4 - Land Division Requirements, the Township thereafter has forty-five (45) days to conduct a final review of a complete land division application and approve, approve with conditions, or disapprove the land division.

- B. The applicant shall have the option to waive the 45-day requirement, in which case the application will be approved in an efficient manner.

- C. The Planning Commission shall review the application materials and make a recommendation to the Township Board based on the standards contained herein whether to approve, approve with conditions, or deny the requested land division.

- D. Following review by the Planning Commission and receipt of a recommendation on the land division application, the Township Board shall render a final decision on the application whether to approve, approve with conditions, or deny the request.

17.262 Sec. 2. LAND USE PERMITS

- A. Approval of a land division by the Township does not assure that any ensuing split shall be acceptable as a building site under other regulations or codes of the Township or any other governmental unit.

- B. Tyrone Township and its employees shall not be held liable if a land use permit and/or building permit is not issued for a parcel created through this process.

17.263 Sec. 3. RECORDING

- A. After Township approval of a land division, it shall be the duty of the applicant or their agent to provide a survey of the approved division and any related agreements or deed restrictions in recordable form to the Livingston County Register of Deeds within 90 days, as noted in the paragraph below.

1. Following a recommendation from the Planning Commission, the applicant shall provide a site drawing, a signed and sealed boundary survey, all legal descriptions, and recordable copies of any maintenance agreements or deed restriction for review by the Township Board.
 2. Following receipt of an approval letter from the Township Board, the survey and documents stamped "Approved" and signed by the Township Clerk, shall be recorded and stamped by the Register of Deeds before the 90 day approval period has expired.
 3. No land divisions shall be recorded by the County unless they have been approved by the Township and bear the approval stamp and signature of the Township Clerk.
 4. The Township Assessor will issue Property Identification Numbers upon receipt of the properly stamped legal descriptions, drawings, and documents properly stamped and recorded by the Register of Deeds before the 90 day approval period has expired.
- B. The land division is completed when the Township Assessor issues parcel identification numbers and enters the legal description and the identification numbers into the Township records.

12.270

**ARTICLE SEVEN
VIOLATIONS**

17.271

**Sec. 1. DUTY TO REPORT REGISTERED LAND DIVISIONS AND
BOUNDARY REALIGNMENTS**

- A. If the approved division is not recorded with the County Register of Deeds within 90 days, the approval is revoked and the application is considered void. A new application must be filed in order to restart the process.
- B. If a drawing has been recorded by the County prior to being approved by the Township or if a drawing was recorded that differs from the approved drawing bearing the stamp of the Township, the division shall be considered illegal and so labeled in the Township records.

Parcel identification numbers shall not be issued by the Township Assessor, and the Assessor shall instruct the Livingston County Register of Deeds to label the parcel as 'ILLEGAL' in their records. Even if recorded by the County Register of Deeds, a land division that does not bear the stamp of the

Township shall not be considered valid and shall not be issued a valid parcel ID number.

- C.** The Township Assessor and Zoning Administrator shall be responsible for monitoring the time schedule and notifying applicants of any violations.

17.272 Sec. 2. NOTICE TO CORRECT VIOLATION

Upon receipt of information of a possible violation of this ordinance, it shall be the duty of the Assessor to ascertain whether or not there is probable cause to believe there exists a violation of this ordinance. If it is determined that there is probable cause to believe a violation does exist, the Assessor shall cause notice to be sent by certified mail to the owner of the parcel not divided in accordance with the terms of this ordinance and his grantor if a conveyance of the subject parcel of land was made after the effective date hereof, requesting that they take action to correct the violation.

17.273 Sec. 3. DUTY TO CORRECT VIOLATION

Within thirty (30) days of the date of mailing of the notice above referred to, the applicant shall:

- A.** Correct the violation
- B.** Request a hearing before the Township Board to determine whether a violation of the ordinance has occurred, or
- C.** Make application for Township Board approval of an amended land division or boundary realignment.

The respondent shall be subject to the sanctions of Article Eight [17.280] below for noncompliance if they have not complied with one of the remedies provided above, notwithstanding the Township Board power to require the applicant to comply with the requirements of this ordinance.

**17.280 ARTICLE EIGHT
 ENFORCEMENT AND PENALTIES**

17.281 Sec. 1. ENFORCEMENT

No land use permits shall be issued to an applicant by the Zoning Administrator for the use of any parcel of land that has resulted from a division of land without the applicant having first obtained the approvals required by the Township Zoning Ordinance and/or this Ordinance.

17.282 Sec. 2 PENALTIES

- A. Pursuant to MCL 560.264, any person who violates these requirements and sells a resulting parcel of land is responsible for the payment of a civil fine of not more than \$1,000.00 to the Township for each parcel sold. A default in the payment of a civil fine or costs ordered under this subsection or an installment of the fine or costs may be remedied by any means authorized under the revised judicature act of 1961, PA 236, MCL 600.101 to 600.9948
- B. The Township shall instruct the Assessor to treat the application as an illegal division as provided in Article 7 (17.271), Section 1, Paragraph B of this Ordinance.

17.283 Sec. 3. SALES VOIDABLE

Pursuant to MCL 560.267, any sale of lands partitioned in violation of this ordinance is voidable at the option of the purchaser, and shall subject the seller to the forfeiture of all consideration received or pledged therefore, together with any damages sustained by the purchaser, recoverable in an action at law.

**17.290 ARTICLE NINE
 MISCELLANEOUS PROVISIONS**

17.291 Sec. 1. FEES

The Township Board may charge a fee for consideration of the application made pursuant to this ordinance and the fee shall be established, or from time to time modified, by resolution of the Township Board.

17.292 Sec. 2. SEVERABILITY

This ordinance and each of the various parts, subsections, sentences, phrases and clauses hereof are hereby declared to be severable. If any part, section subsection, sentence phrase, or clause is determined to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby and shall remain in full force and effect.

17.293 Sec. 3. EFFECTIVE DATE

The provisions of this ordinance shall be effective thirty (30) days from and after the date of its publication, as required by law.

REVISIONS:

- 1983 JULY 1 – Effective date
- 2007 SEPTEMBER - 251-1.B; 253-3.A.3 &.C; 254-4.B.5; 255-5.A & F; 261-1.C & D; 263-3.A.1, 2, & 3; 263-3.B; 273-3.C; 283-3.
- 2015 JULY – Amended 17.253.A.2, 17.254.B.2, and 17.255.A.6 to allow boundary realignments and land divisions with greater than 4:1 depth to width ratios when conditions set forth in the Land Division Act are met.
- 2018 FEBRUARY – Amended Article 5, Section 4.B.2 to update licensed designer requirements consistent with Public Act 178 of 2013.